

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., November 1, 2005

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the October 18, 2005 regular meeting

AWARDS AND PROCLAMATIONS

- Proclamations
“Geography Awareness Week.”

CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated October 24 and October 31, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Application for License to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
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Maria de Lourdes	Crystal Mexican Taqueria*	1721 North Broadway
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve license subject to Staff review
and approval.

3. Preliminary Estimates:

- a) Storm Water Drain #241 to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (468-83908/751396/485287) Does not affect existing traffic. (District V) - \$142,000.00

(Item 3 continued)

- b) Storm Water Sewer #614 to serve Maple Shade Addition - east of Webb, north of Pawnee. (468-83995/751407/485298) Does not affect existing traffic. (District II) - \$90,000.00
- c) Reca from the north line of Lot 10, Block D, north to Thurman; Nantucket from Reca east to the west line of Lot 16, Block D; 15th Street North from Reca to the west line of Lot 6, Block B to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (472-83936/765948/490061) Does not affect existing traffic. (District V) - \$171,000.00
- d) Conrey from the west line of Lot 14, Block A, east to the east line of Forest Ridge; Forest Ridge from the north line of Conrey, south and east to the east line of Lake Ridge; Lake Ridge from the south line of Forest Ridge south to the south line of the plat; Lake Ridge Court from the east line of Lake Ridge, east to and including the cul-de-sac; Forest Ridge Court (Lots 20 thru 29, Block A), from the east line of Forest Ridge east to and including the cul-de-sac; Forest Ridge Court (Lots 30 thru 45, Block A), from the east line of Forest Ridge east to and including the cul-de-sac; Conrey Court from the south line of Conrey, south to and including the cul-de-sac; Sidewalk on Conrey, Forest Ridge and Lake Ridge to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (472-84262/765954/490067) Does not affect existing traffic. (District V) - \$717,000.00
- e) 2006 KLINK (FY2006) Street Resurfacing Project (Diamond Grinding) and Shoulder Repair on US-54/US-400 Kellogg - from 119th West to 111th West. (472-84160/132718/) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$260,000.00
- f) The cost of Intersection of Harry at Longford (472-83998/706907/204-373) (District II) - Total Estimated Cost \$15,000.00
- g) Mainsgate from the south line of Lot 7, Block C, north and east to the west line of Eagle; Wawona from the north line of Mainsgate, north to the north line of the plat; Eagle from the north line of Lot 11, Block G, north to the south line of Mainsgate; Mainsgate Court from the north line of Mainsgate, north to and including the cul-de-sac; Sidewalk along one side of Mainsgate, Wawona and Eagle to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (472-83485/765947/490060) Does not affect existing traffic. (District II) - \$317,000.00
- h) Manchester from the north line of Lot 3, Block 3, to the north line of Lot 10, Block 3; Havenhurst from the west line of Manchester to the west line of Lot 21, Block 4, Prairie Point Addition; Sidewalk along the west side of Manchester from the south line of Lot 32, Block 4 to the north line of Lot 30, Block 4, and the south side of Havenhurst from the east line of Lot 20, Block 4, to the west line of Lot 21, Block 4 to serve Prairie Pointe and Prairie Pointe 2nd Additions - north of 37th Street North, west of Maize. (472-84042/765958/490071) Does not affect existing traffic. (District V) - \$274,000.00
- i) Lateral 2, Main 7 Northwest Interceptor Sewer to serve Prairie Pointe and Prairie Pointe 2nd Additions - north of 37th Street North, west of Maize. (468-83808/744144/480832) Does not affect existing traffic. (District V) - \$130,500.00
- j) Water Distribution System to serve Prairie Pointe and Prairie Pointe 2nd Additions - north of 37th Street North, west of Maize. (448-89951/735276/470947) Does not affect existing traffic. (District V) - \$52,400.00
- k) Stormwater Sewer Improvements Cessna Park Inlet Channel - south of Mt. Vernon Road, west of Woodlawn. (468-84083/660514/855104) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$69,657.46

- l) Drainage Improvements to serve Comotara Subdivision (west of Woodlawn, north of Mainsgate. (468-84057/660506/854116. Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$63,200.00
- m) Lateral 5, Main 19 Southwest Interceptor Sewer to serve Northridge Plaza Addition - north of 37th Street North, west of Ridge Road. (468-83451/744139/480827) Does not affect existing traffic. (District V) - \$315,600.00
- n) Cost of Storm Water Drain No. 264 to serve Avalon Park 3rd Addition - north of 37th Street North, east of Tyler. (468-84011/751401/485/292) (District V) Total estimated cost - \$166,005.00.
- o) Cost of Storm Water Drain No. 265 to serve Avalon Park 3rd Addition - north of 37th Street North, east of Tyler. (468-84012/751402/485-293) (District V) – Total estimated cost \$225,038.00

RECOMMENDED ACTION: Receive and file.

4. Petitions for Public Improvements:

- a) Construct acceleration/deceleration and left turn lanes to serve part of Mediterranean Plaza Addition, east of Rock, north of 29th Street North. (District II)
- b) Construct a Water Distribution System to serve R & P Addition, south of Harry, west of West Street. (District IV)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

5. Minutes of Advisory Boards/Commissions:

District II Advisory Board, August 1, 2005
District V Advisory Board, August 1, 2005
Wichita Employees' Retirement System, August 24, 2005
Wichita Employees' Retirement Board/Police & Fire Retirement Board, September 1, 2005
District V Advisory Board, September 6, 2005
Board of Park Commissioners, September 10, 2005
District VI Advisory Board, September 12, 2005
Wichita Airport Advisory Board, September 12, 2005
Board of Codes Standards and Appeals, September 12, 2005
District II Advisory Board, September 19, 2005
Wichita Public Library Board, September 20, 2005

RECOMMENDED ACTION: Receive and file.

6. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

7. Agreements/Contracts:

- a) Sanitary Sewer Master Plan Update-Agreement.
- b) Equus Beds Aquifer Storage and Recovery Project, Phase I-Supplemental Agreement.
- c) Bike Path along Gypsum Creek from I-135 to Turnpike. (District III)-Supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

8. Design Services Agreement:

- a) Fawn Grove at Sunset Lakes Addition, south of Kellogg, west of Greenwich. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

9. Property Acquisitions:

- a) A portion of 960 East Pawnee for Pawnee Widening Improvement Project from Washington to Hydraulic. (District III)
- b) Permanent Easements for Integrated Local Water Supply Plan.
- c) Land in the 1400 Block of North Broadway along the Abandoned Union Pacific Rail Corridor for the Midtown Greenway. (District VI)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

10. Quarterly Financial Report, September 30, 2005.

RECOMMENDED ACTION: Receive and file.

11. Expense Report for Senior Management for month of September 2005.

RECOMMENDED ACTION: Receive and file.

12. 16-inch Water Main in Ridge Road from MacArthur to 36th Street South. (District IV)

RECOMMENDED ACTION: Approve the expenditures and adopt the resolution.

13. 20-inch Water Main in Woodlawn from Second Street to Kellogg. (District II)

RECOMMENDED ACTION: Approve the expenditure and adopt the Resolution.

14. Park Facilities Renovation.

RECOMMENDED ACTION: 1) Approve the bonding resolution; 2) authorize initiation of the project; and 3) authorize the necessary signatures.

15. Nuisance Abatement Assessments.

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinance on first reading.

16. Homeless Assistance.

RECOMMENDED ACTION: Approve the modifications to the original action to fund the winter emergency overflow shelter and authorize the City to participate in the RFP process used to procure a service provider and authorize the necessary signatures for the resulting contract.

17. Second Reading Ordinances: (First read October 18, 2005)

a) Loan Guaranty Agreement and Certificate of Deposit for the Power CDC Grocery Store Project.
(District I)

An ordinance of the City of Wichita, Kansas, prescribing the form and authorizing the execution of a loan guaranty agreement by and among the City of Wichita, Kansas, Community Developers of Wichita, LLC, and commercial federal bank, and authorizing placement of public funds in a certificate of deposit in connection with such agreement.

b) Capital Improvement Program Planned Savings Projects.

An Ordinance determining the necessity for acquiring fleet vehicles and equipment, and the necessity of repairing City facilities, and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of General Obligation Bonds of the City of Wichita, Kansas, under the City's Home Rule Authority as set out in Article 12, Section 5, of the Constitution of the State of Kansas.

(Item 17 continued)

- c) Improvement to the Intersection of 13th Street and Mosley. (District VI)

An Ordinance declaring the Intersection of 13th and Mosley (472-84269) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same.

- d) Improvement to the Intersection of Pawnee and McLean. (District IV)

An Ordinance declaring the Intersection of Pawnee and McLean (472-84007) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same.

- e) Improvement to West Street, between Maple and Central. (Districts IV & VI)

An Ordinance declaring West Street, between Maple and Central (472-83997) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same.

- f) Pawnee Improvement between a point approximately 650 feet west of Palisade and Broadway.
(District III)

An Ordinance declaring Pawnee between Palisade and Water Street (472-84283) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same.

- g) ZON2002-03 - south of 31st Street South and on the east side of West Street. (District IV)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2002-03)

- h) ZON2005-23 - south of Maple and on the west side of Maize Road. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2005-23)

RECOMMENDED ACTION: Adopt Ordinances.

NEW BUSINESS

(ITEM 18, PULLED PER LAW DEPT.)

18. Public Hearing and Issuance of Taxable Industrial Revenue Bonds, The Boeing Company. (District III)

19. Public Hearing and Issuance of Industrial Revenue Bonds, Integrated Healthcare Systems, Inc. (District II)

On June 8, 2004, City Council approved a Letter of Intent to issue IRB's in the amount not-to-exceed \$26,000,000, to Integrated Healthcare Systems, Inc., for the benefit of Wichita Clinic P.A.

RECOMMENDED ACTION: Close the Public Hearing and approve first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$26,000,000 and authorize the necessary signatures.

20. 2006 Wichita Aviation Festival.

Wichita Festivals, Inc. (WFI) successfully fulfilled the requirements as stipulated in their contract with the City for completion of the 2005 Kansas Flight Festival. Upon completion of a successful 2005 festival, WFI has concluded they have the professional services to produce, market and manage the 2006 Kansas Flight Festival.

RECOMMENDED ACTION: Approve the contract to employ WFI to provide the professional services to accomplish this task.

21. Library Horizon Computer Migration Project.

Since 1992, the Library has used integrated library automation systems from the Dynix Company to manage its materials inventory, customer accounts, library catalog and several corresponding technology features such as the TeleCirc automated calling and renewal system and HIP, the remote version of the library catalog.

RECOMMENDED ACTION: Authorize staff to initiate the project and authorize the necessary signatures.

22. Sewer Main Benefit Fee-Ordinance.

As subsequent development occurs, a sewer main benefit fee is assessed along with the special assessments for the lateral sewers. The fee is collected through the special assessment process and then transferred to the Sewer Utility partially offsetting the cost for the portion that the Utility initially paid.

RECOMMENDED ACTION: Adopt the Sewer Main Benefit Fee Ordinance;
place the ordinance on first reading and
authorize the necessary signatures.

23. Equus Beds Aquifer Storage and Recovery Project, Phase I-Design/Build.

On January 8, 2002, the City Council approved a contract with Burns & McDonnell Engineering Company to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project.

RECOMMENDED ACTION: 1) Approve the construction of the surface
water treatment facilities for Phase I of the
ASR Project as a design/build project; and
2) authorize staff to proceed with the Request
for Proposals.

24. DR2005-00030Amendment to the April 19, 2001 edition of the Wichita-Sedgwick County Unified Zoning Code to amend definitions and use regulations for uses including, night clubs in the City, personal care service, personal improvement service, sexually oriented businesses, the OT-O Use regulations and taverns and drinking establishments and to nonconformities.

The regulation permitting and licensing of adult entertainment establishments are currently governed by Chapter 3.05 of the City Code. Adult entertainment establishments (or sexually oriented businesses) are not currently defined or regulated through the Wichita-Sedgwick County Unified Zoning Code (UZC) within the City of Wichita.

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC
and approve proposed amendment to the
Unified Zoning Code, place the Ordinance
on first reading or
2) Return the application to the MAPC for
reconsideration.

25. Contract for services in creating the International Marketplace District. (District VI)

The recently adopted 21st Street North Corridor Revitalization Plan has identified the goal of creating an International Marketplace District centered at 21st Street North and Market Street.

RECOMMENDED ACTION: 1) Approve the selection of the Greteman Group
for services in creating the International
Marketplace District; 2) authorize staff to negotiate
with the Greteman Group not-to-exceed contract
for \$300,000 to perform the work; 3) authorize
the appropriate signatures; and 4) authorize the
appropriate bonding resolution.

26. Home Rule Bonding Ordinance for creating the International Marketplace District. (District VI)

The 21st Street North Corridor Revitalization Plan has identified the goal of creating an International Marketplace District centered at 21st Street North and Market Street.

RECOMMENDED ACTION: Approve the home rule-bonding ordinance for the International Marketplace District and place the ordinance on first reading.

27. Renaming of Park Land at 4270 East Whitney Lane. (District III)

City Council Policy 13 delineates the requirements for naming public facilities in accordance with their intended use. The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration.

RECOMMENDED ACTION: Rename the site at 4270 East Whitney Lane as the "Phyllis Hall Memorial Park".

28. Petition to pave Zelta, from Kellogg to Waterman. (District II)

The signatures on the Petition represent 16 of 32 (50%) resident owners and 55.8% of the improvement district area.

RECOMMENDED ACTION: Approve the Petition; adopt the resolution and authorize the necessary signatures.

29. Petition to pave University between Maple Lane and Arapaho. (District V)

On July 11, 2005, District V Advisory Board considered a Petition for paving University as a cul-de-sac court between Maple Lane and Arapaho.

RECOMMENDED ACTION: Approve the Petition; adopt the resolution and authorize the necessary signatures.

30. Petition to pave Mascot from 29th Street North to 31st Street North. (District VI)

The signatures on the Petition represent 18 of 43 (41.86%) resident owners and 54.22% of the improvement district area.

RECOMMENDED ACTION: Approve the Petition; adopt the resolution and authorize the necessary signatures.

31. Petition to construct a Water Distribution System to serve an area located south of 55th Street South, west of Broadway. (District IV)

The signatures on the Petition represent 2 of 4 (50%) resident owners and 56% of the improvement district area.

RECOMMENDED ACTION: Approve the Petition; adopt the resolution and authorize the necessary signatures.

32. Petition and Change Order for Sanitary Sewer in Northwest YMCA Addition, north of 21st Street, west of 135th Street West. (District V)

On February 15, 2005, the City Council approved a Petition for a sanitary sewer in Northwest YMCA Addition. During construction, it was determined that part of the sewer line will be located under a future parking lot.

RECOMMENDED ACTION: Approve the new Petition; waive the 25% limit on Change Order costs for this project; approve the Change Order; adopt the resolution and authorize the necessary signatures.

33. Sanitary Sewer to serve an area located north of 31st Street North, east of Hood. (District VI)

RECOMMENDED ACTION: Approve the Project; adopt the Resolution and authorize the necessary signatures.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

34. CUP2005-00040-DP23 Amendment No. 15-amend Marina Lake Development Community Unit Plan for parcel 10 to increase gross floor area, uses and the location of restaurant drive-through windows on property zoned Limited Commercial. Generally located south of 21st Street North 1/3 mile west of Amidon. (District VI)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and approved amendment No. 15; or
2) return the application to the MAPC for reconsideration.

35. ZON2005-00033-Zone Change from Single-family Residential to Neighborhood Office. Generally located west of Tyler and Second Street Intersection, 303 North Tyler. (District V)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC; approve the zone change subject to the dedication of access control except for one right-in-right-out opening and contingent dedication of 20 feet of right-of-way and place the ordinance on first reading with publication being withheld until the dedications have been made; or
2) Return the application to the MAPC for reconsideration.

36. *Authorize submission of Historic Preservation Fund Grant Proposal FY 2005. (District VI)

RECOMMENDED ACTION: Authorize the submission of the grant proposals for FY2006 Historic Preservation Fund Grant through the Kansas State Historical Society and authorize the City Manager to sign the grant application and assurance documents.

37. *PUD2005-00004-Creation of the 21st Street Kids and Family Empowerment Planned Unit Development with four parcels. Generally located 1/8 mile north of 21st Street North, east and west of Jardine Drive. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the PUD subject to the condition of platting within one year and the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds; or
2) Return the application to MAPC for reconsideration.

38. *VAC2005-33-Request to vacate a utility easement dedicated by separate instrument. Generally located east of Hillside Avenue and north of First Street. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

39. *S/D98-14-Plat of BSF Second Addition, located on the southwest corner of 47th Street South and Woodlawn. (District IV)

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

40. *SUB2005-62-Plat of The Timberlands Addition, located north of Harry and on the west side of 127th Street East.
(District II)

RECOMMENDED ACTION: Approve the documents and plat; adopt the Resolutions and authorize the necessary signatures.

41. *SUB2005-68-Plat of Auburn Hills 16th Addition, located on the south side of Maple and east of 151st Street West. (District V)

RECOMMENDED ACTION: Approve the documents and plat; adopt the Resolutions and authorize the necessary signatures for approval of the plat and the City's ownership interest.

42. *SUB2005-85-Plat of Auburn Hills Commercial Fourth Addition, located east of 135th Street West and on the south side of Maple. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

43. *SUB2005-105-Plat of Eberly Farms Office Park Addition, located east of 135th Street West and on the south side of 21st Street North. (County)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items

44. *Midfield Road Site Development, Electrical Services-Change Order 1.

RECOMMENDED ACTION: Approve the Change Order and authorize the necessary signatures.

45. *Farming License Agreement-Jabara Airport.

RECOMMENDED ACTION: Approve the farming license and authorize the necessary signatures.

CITY COUNCIL

46. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

47. Appointment of Municipal Court Judges.

RECOMMENDED ACTION: Appoint five Municipal Court Judges to serve a term of office commencing the third Tuesday of April 2005 and expiring on the third Tuesday of April 2009 and appoint an administrative judge for a term commencing the third Tuesday of April 2005 and expiring on the third Tuesday of April 2006.

Adjournment

Workshop to follow